

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PURPLE TUNNEL ENTERPRISES, INC.,
LOUIS G. SILVA, JR., and
ANTHONY D. FONTES, III,
Plaintiffs

v.

BEACON HALL, LLC, ERIK HALL MOSHER,
JAMES M.F. GILMORE, DOUGLAS MASTER,
and ANDREW P. PALMER,
Defendants

C.A. NO. 04-10874 EFH

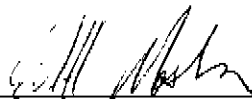
**DEFENDANT, ERIK HALL MOSHER'S, AFFIDAVIT IN SUPPORT OF THE
AMENDED NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT TO 28 U.S.C.
§ 1446 AND LOCAL RULE 81.1**

I, Erik Hall Mosher, do hereby affirm and swear to the following:

1. I am a defendant in the suit filed by Purple Tunnel Enterprises, Inc., Louis G. Silva, Jr. and Anthony Fontes, III
2. I, along with all other named defendants, did consent for the case to be removed to Federal Court believing that this matter is subject to Federal jurisdiction as the Complaint and the Civil Action Cover Sheet allege "[t]his is an action to enforce a franchise agreement against a former franchisee and its guarantors". Plaintiffs are alleging violations of the Franchise Agreement, which falls under the Federal Trade Commissions' Rule on Franchising, 16 C.F.R. § 436. Count III of the Complaint alleges violation of the Federal Lanham Trademark Act, 15 U.S.C.A. §§ 1114 and 1125. Other allegations under the Complaint fall under 37 C.F.R. §§ 1-199 (pertaining to trademarks) and §§ 200-299 (pertaining to copyrights).

3. The amount sought under the Complaint is alleged to be \$75,000.00. Defendants' counterclaim will seek an amount greater than \$75,000.00, exclusive of fees and costs.
4. I am the controlling member of Beacon Hall, LLC, which was listed in the original Notice of Removal.
5. The failure to list my name on the original Notice of Removal was inadvertent and such error was a mere technicality.
6. As this matter is subject to Federal jurisdiction, I wish for it to remain in this Court.

Signed under the pains and penalties of perjury this 4th day of June, 2004.



Erik Hall Mosher